

Message

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Sent: 3/7/2019 8:34:58 PM
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Subject: Agency and Stakeholder Meeting Follow-Up -- AllenCo University Park
Attachments: IMG_0584.JPG; IMG_0585.JPG; AllenCo AOC 24Apr14.pdf; Final Judgment.pdf

Hi everyone,

Thank you to everyone who attended yesterday's meeting in person or on the phone. I've attached a copy of the sign-in sheets, the Final Judgement referenced by the City Attorney and the Administrative Order referenced by USEPA. These last are for the benefit of those new to this group who may not have seen them yet. Below you will also find the written version of yesterday's update from US EPA. I will circulate others as they come through or folks can send to the group, if they like.

Thanks again,

Mandi

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USEPA

USEPA Region 9 staff inspected the AllenCo facility in November 2013. The authorities providing jurisdiction are Federal Clean Air Act Section 112(r)(1) (The General Duty Clause under the Chemical Accident Prevention provisions of the Act, <https://www.epa.gov/sites/production/files/2013-10/documents/gdc-fact.pdf>) and the Spill Prevention, Control, and Countermeasure (SPCC) requirements under the Federal Oil Pollution Act (<https://www.epa.gov/oil-spills-prevention-and-preparedness-regulations>).

The GDC requires facilities with hazardous substances to, among other things, "design and maintain a safe facility taking such steps as are necessary to prevent releases". EPA generally looks to a facility's conformance with codes, standards and other recognized and generally accepted good engineering practices to inform a judgment of its compliance with the GDC. The SPCC regulations require the development and implementation of an SPCC plan.

Based upon findings from the November 2013 inspection, in April 2014 EPA and AllenCo entered into an Administrative Order on Consent (AOC) that obligated AllenCo to perform certain injunctive measures to bring the facility into compliance with both the GDC and SPCC requirements. In recognition that the facility had ceased operating November 2013 the AOC also required that AllenCo provide certifications relating to the completion of required work as well as related substantiating documentation, no less than 15 days prior to a restart of operations. A copy of the AOC is attached.

On February 5, 2019 AllenCo submitted to EPA Region 9 its purported certifications and substantiating documentation. Region 9 staff are currently reviewing the submitted materials.